

SENATE RECORD VOTE ANALYSIS

104th Congress
1st Session

Vote No. 369

August 5, 1995, 12:17 p.m.
Page S-11518 Temp. Record

TREASURY APPROPRIATIONS/Abortion Fringe Benefit, Life of Mother

SUBJECT: Treasury, Postal Service, and General Government Appropriations Bill for fiscal year 1996 . . . H.R. 2020.
Committee amendment on page 76, lines 10-17.

ACTION: AMENDMENT AGREED TO, 52-41

SYNOPSIS: As reported, H.R. 2020, the Treasury, Postal Service, and General Government Appropriations Bill for fiscal year (FY) 1996, will provide \$23.1 billion in new budget authority (BA) for the Department of the Treasury, Postal Service, Executive Office of the President, and various independent agencies. This amount is \$367 million less than the amount provided in FY 1995, \$42 million less than in the House-passed bill, and \$1.8 billion less than requested by the Clinton Administration.

The committee amendment on page 76, lines 10-17, would strike the House amendment to prohibit coverage of abortion as a fringe benefit under Federal Employee Health Benefit (FEHB) insurance policies. That amendment would not apply to abortions that are necessary to save the life of the mother.

Those favoring the amendment contended:

The issue raised by this amendment is very narrowly drawn. We are not debating the Constitution; we are not debating the legality of abortion; we are not in any way limiting the current situation which allows for abortion-on-demand, for any reason at any stage right up until the moment of birth. What we are debating is whether the American taxpayers have to pay for abortions as a fringe benefit to Federal employees as part of their health insurance policies, and, if so, under what circumstances.

Most Senators are very familiar with this debate. They know where they stand, they know where the American people stand, and they know how they are going to vote. For our part, we support the House amendment, which would ban Federal health insurance coverage for abortions except to save the life of the mother. We know, as a practical matter, that this amendment does not have the support of a majority of Senators. We also know that some Senators who oppose this amendment do so because it does not contain

(See other side)

YEAS (52)			NAYS (41)			NOT VOTING (6)	
Republicans (15 or 30%)	Democrats (37 or 86%)		Republicans (35 or 70%)	Democrats (6 or 14%)		Republicans (4)	Democrats (2)
Brown	Akaka	Kennedy	Abraham	Hatch	Biden	Gregg ⁻²	Bumpers ⁻²
Campbell	Baucus	Kerrey	Ashcroft	Hatfield	Breaux	Lugar ⁻²	Pryor ⁻²
Chafee	Bingaman	Kerry	Bennett	Helms	Ford	Murkowski ⁻²	
Cochran	Boxer	Kohl	Bond	Inhofe	Heflin	Stevens ⁻²	
Cohen	Bradley	Lautenberg	Burns	Kempthorne	Johnston		
Domenici	Bryan	Leahy	Coats	Kyl	Reid		
Hutchison	Byrd	Levin	Coverdell	Lott			
Jeffords	Conrad	Lieberman	Craig	Mack			
Kassebaum	Daschle	Mikulski	D'Amato	McCain			
Packwood	Dodd	Moseley-Braun	DeWine	McConnell			
Roth	Dorgan	Moynihan	Dole	Nickles			
Simpson	Feingold	Murray	Faircloth	Pressler			
Snowe	Feinstein	Nunn	Frist	Santorum			
Specter	Glenn	Pell	Gorton	Shelby			
Thompson	Graham	Robb	Gramm	Smith			
	Harkin	Rockefeller	Grams	Thomas			
	Hollings	Sarbanes	Grassley	Thurmond			
	Inouye	Simon		Warner			
		Wellstone					
						VOTING PRESENT(1) Exon	
						EXPLANATION OF ABSENCE: 1—Official Business 2—Necessarily Absent 3—Illness 4—Other	
						SYMBOLS: AY—Announced Yea AN—Announced Nay PY—Paired Yea PN—Paired Nay	

Compiled and written by the staff of the Republican Policy Committee—Don Nickles, Chairman

exceptions for rape and incest pregnancies as well as for pregnancies that threaten the life of the mother. The real question before the Senate today is whether a majority of Senators will vote to oppose taxpayer funding of Federal employees' abortions except in these 3 narrow, unusual circumstances, which comprise only a tiny portion of all abortions.

A unanimous consent agreement was reached last evening to vote on the House committee amendment. Such a vote is a waste of time, so we have sought further unanimous consent to modify the House amendment so that the Senate will vote on the real issue before it. Certain of our colleagues have refused that suggestion. They are within their rights, but they are only wasting time. After the vote, we will offer an amendment with these two additional exceptions included. We intend to find out today if a majority of Senators will vote to oppose providing abortion as a fringe benefit to Federal employees except in cases in which the life of the mother is threatened or in which the pregnancy is the result of rape or incest.

Abortion is not just another medical procedure. Those Senators who describe it thusly are not being constructive. It is the most divisive issue in America this century. On one side, we have those Americans, including ourselves, who view preborn children as fully human, though small and defenseless, with an inalienable right to life that cannot be morally or logically denied. We know that from the moment of conception, the unique genetic blueprint of each individual is set. We know that the heartbeat can be monitored starting 21 days after conception; we know that brain waves can be measured by 40 days. As a matter not of faith, not of opinion, but of medical fact, we know that each person's life begins at conception. For us, a preborn baby is a baby, not a choice.

On the other side, we have those Americans who argue that humanity is not reached until a certain level of development, however imprecisely defined, is reached. These Americans believe that it should be left to each woman to determine for herself at what point the right to life begins. For them, it is an issue of women's rights. (Interestingly, though, abortion rights did not become a women's rights issue until the latter half of this century. Early women's rights advocates like Susan B. Anthony opposed abortion. Historically, and currently, more women oppose abortion than men.) These Americans do not argue that all women support abortion; they argue instead that those who do should have the option of deciding for themselves. At the same time, though, they will often recognize that this is not an easy option. They will describe it as a very difficult decision. The recent rhetoric by ardently pro-choice groups such as Planned Parenthood that they want abortion to be "safe, legal, and rare" shows that even they understand that abortion is not just another medical procedure--the emotional and spiritual consequences of ending a life, even if one does not accept that the life is sufficiently developed to be given constitutional protection, are often severe.

The starting point of this debate, therefore, should not be from the false premise that we are talking about just another medical operation. Pro-life Americans see it as the destruction of defenseless, innocent people, and pro-choice Americans see it as a difficult choice that women must have the right to exercise when it is the best of bad alternatives. A century ago, in a similarly divisive debate, the full humanity of African-Americans was denied in defense of a "peculiar institution." Today we are arguing about a "peculiar operation" that incites passions like no other issue in America.

Given the unique nature of this operation, the question before the Senate is whether it should be funded by the Federal Government as though it were any other legal operation. In poll after poll for the past 2 decades the overwhelming majority of Americans have said no. In last year's debate on socializing health care, for example, three-fourths of all Americans said that they did not think abortion coverage should be included as part of any national health care plan. Americans, whether pro-life, pro-choice, or somewhere in between have too many reservations themselves, and have too much respect for the views of those who oppose abortion, to support public funding of it. The controlling court case for this amendment is not *Roe v. Wade*, which discovered the right to an abortion written between the lines of the Constitution, but *Harris v. McRae* (1990), which held that the Federal Government does not have to fund abortion. The Supreme Court has legalized abortion, but it has also said it cannot find any statements between the lines of the Constitution that say that American taxpayers or anyone else has to subsidize it.

Some insurance companies pay for abortions; others do not. Private employers who offer health insurance have the choice of picking or designing plans with or without such coverage. The Alan Guttmacher Institute, which is a front organization for the largest abortion provider in America (Planned Parenthood), claims that up to two-thirds of health plans offer abortion as a fringe benefit. We find that estimate to be suspect. We asked the Congressional Research Service for an estimate, and were told that an accurate estimate cannot be given.

From 1984 to 1993 the Federal Government, as the Nation's largest employer, had as its official policy that it would not pay for abortion as a fringe benefit. As an employer it clearly has the right to offer or to refuse to offer abortion coverage. The Federal Government pays an average of 72 percent of the health care premiums of its employees. That 72 percent, of course, is not money that the Federal Government collects out of thin air--it is money that is collected in taxes from Americans, three-quarters of whom do not want to see it spent on paying for abortions. Therefore, the Federal Government's refusal to subsidize abortion from 1984-1993 was a policy that most Americans favored.

In 1993 President Clinton pushed a change in that policy through Congress. For the past 2 years, people who are unalterably opposed to abortion have been forced to pay for an estimated 17,000 abortions each year for any reason. With an abortion costing an average of \$250, Federal employees have had abortion on demand for around \$40, with the rest of the cost being picked up by the taxpayers. This direct subsidy is wrong. Abortion is not simply another medical service. The Federal Government should not use taxpayer funds to pay for abortion-on-demand. Federal employees may spend their money as they see fit, but the Federal Government should not spend money directly to pay for employees' abortions.

AUGUST 5, 1995

VOTE NO. 369

The narrow question before us is will those Americans who stand in defense of life be forced to pay for its destruction with their taxes. We do not believe that they should. As we said at the outset, we do not expect this amendment to carry because some Senators cannot support the House language without rape and incest exceptions. Following the vote on the House language, we will offer an amendment with those exceptions, and we are very hopeful that amendment will pass.

Those opposing the amendment contended:

Argument 1:

Abortion is a legal medical procedure. Twenty years ago, the Supreme Court announced that the Constitution guarantees a woman the right to choose. Some of our colleagues have not yet accepted that decision. They are determined to roll back the clock on women's rights by gradually gutting, watering down, and stripping away the right to procure an abortion. The House, in its version of this bill, passed an amendment that would significantly harm the right of Federal employees to choose. That amendment would forbid Federal employee health benefit plans from offering abortion services coverage. The 1.2 million women of child-bearing age who work for the Government would not be allowed to choose abortion coverage as a benefit. The committee amendment which we are debating would strike this House amendment.

Federal health insurance is not something that is given--it is earned. If a woman chooses a health care plan that pays for abortions, she is choosing that plan with her money, not the Federal Government's. She is choosing that plan in the same way that women in the private sector are able to choose health care plans. Though estimates vary, roughly two-thirds of health insurance plans now offer abortion coverage. Most private-sector employees thus have the option of choosing abortion coverage as a health insurance benefit--the House committee amendment would take that right away from them, except if their lives were in danger.

If this amendment is not agreed to, then Federal employees will either have to purchase additional abortion coverage on their own or will have to pay for their abortions out of their own pockets. Some of our colleagues have suggested that the cost of this medical procedure is minimal. However, the average cost of \$250 they have cited is not a minor cost for all Federal employees. Many single women who are employed by the Federal Government and who already have a few children are near the poverty level. Asking a woman who is near the poverty level to come up with \$250 is sometimes asking quite a lot. Further, some abortions are more expensive--if there are medical complications, or if the woman is in her second or third trimester, the costs are much higher.

Last evening the Senate agreed to consider the House amendment on an up-or-down vote. Senators who support the House amendment told us after that agreement was reached that their position had been misrepresented--they wanted to have a vote on the House amendment after amending it to allow insurance coverage in the cases of rape and incest as well. They have asked unanimous consent that we follow that course now. We refuse--a deal is a deal. They have indicated that they will offer their amendment later, and we inform them that if they do, we have amendments that we may offer as well.

Some people believe that human life begins at conception. Those people do not have to have abortions. However, they do not have the right to control the reproductive freedom of people who do not share the same belief. This issue is a personal issue on which the government has no business legislating. The House amendment is unfair to Federal women employees, and should be rejected.

Argument 2:

Our colleagues who argue that abortion is just another medical procedure are wrong. The debate is not elevated by denying the complex and often conflicting emotions and beliefs that most Americans have on this divisive issue. We ourselves are very troubled by abortion. We oppose it in most circumstances--like most Americans, we are against abortion as birth control, for sex selection, and for economic reasons. Abortion is always a horrible choice; an innocent life is lost, and a woman must live with the knowledge that she ended that life. Whether one believes that a fetus is a human with a right to life or not the fact remains that the decision to terminate a pregnancy is never seen as a positive. In our opinion, though, it is sometimes the lesser of two evils. If a woman is a victim of rape or incest, and she becomes pregnant, she should not be denied an abortion. The emotional trauma of having to carry to term a child so conceived is not something any woman should be forced to bear. In such instances, it is better to accept the loss of an innocent life than it is to force a woman to carry a child to term. Under the House amendment no allowance is made for insurance coverage for women who conceive in these horrible circumstances. The House amendment would force a woman who is raped and becomes pregnant to use her own funds to procure an abortion. This amendment is too extreme. We oppose public funding for abortions for social and economic reasons, but we cannot oppose public funding for abortions for victims of rape and incest. Therefore, we must vote against this amendment.